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DA 98-292

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OREGON DEPARTMENT OF EDUCATION SEEKS WAIVER OF COMMISSION RULES ON AGGREGATION FOR SCHOOLS AND LIBRARIES

CC Docket No. 96-45
AAD/USB File No. 98-35

Comment Date: March 4, 1998

Reply Comment Date: March 16, 1998

On May 8, 1998, the Federal Communications Commission ("Commission") released an order providing that eligible schools ordering services discounted under the universal service support mechanism at the school district or state level may compute the discounts on an individual school basis or may compute an average discount.¹ In either case, "the state or district shall strive to ensure that each school receives the discount to which it is entitled," so that the individual schools with the highest percentages of economically disadvantaged students receive the higher discounts for which they are eligible.²

On December 30, 1997, the Commission released an order on reconsideration clarifying its rules on calculating aggregated discounts for consortia comprised of eligible schools and libraries. The Commission stated that both the discount rate and the provision of support should be determined for each individual school or library if it is not unreasonably burdensome to do so.³ For services that will be used only by an individual institution, the Commission stated that the applicable discount rate for the services should be determined based on the applicable discount rate for the individual school or library, not the consortium.⁴ For shared services, which are those services that cannot, without substantial difficulty, be

¹ Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd at 9051, para. 523 (released May 8, 1997) (Universal Service Order).

² Universal Service Order, 12 FCC Rcd at 9051, para. 523.

³ Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Fourth Order on Reconsideration*, FCC 97-420, at para. 205 (released December 30, 1997) (Fourth Order on Reconsideration).

⁴ Fourth Order on Reconsideration, FCC 97-420, at para. 205.

identified with particular users or be allocated directly to particular entities, the Commission did not require that schools and libraries adopt a particular methodology for calculating the weighted average discount. Instead, the Commission required that consortia certify that each individual institution listed as a member of a consortium and included in determining the discount rate will receive a proportionate share of the shared services within each year in which the institution is used to calculate the aggregate discount rate.⁵

On January 22, 1998, the Oregon Department of Education submitted a Petition for Waiver.⁶ The Oregon Department of Education states that, because of two recent amendments to its state constitution, each student in Oregon "receives the funding necessary to provide approximately the same quality of education."⁷ Because school funding in Oregon is not based on the wealth of the school district, therefore, the Oregon Department of Education seeks a waiver to permit it to compute an aggregated discount rate at the state level for the purposes of applying for discounted services under the universal service support mechanism for schools and libraries.⁸ Parties wishing to comment on this petition are directed to file comments on or before **March 4, 1998**, to file reply comments on or before **March 16, 1998**, and to follow the procedures set forth below.

Filing Requirements. All filings should reference: Oregon Department of Education Petition for Waiver, CC Docket No. 96-45, AAD/USB File No. 98-35. All interested parties should include the name of the filing party and the date of the filing on each page of their comments and reply comments. Parties should include a table of contents in all documents regardless of length and should indicate whether they are filing an electronic copy of a submission via the Internet or via diskette. Pleadings must comply with Commission rules.⁹ One original and five copies of all comments and reply comments must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Three copies also should be sent to Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20037, (202) 857-3800. Such documents are also available for review and copying at the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m.

Parties may also file informal comments or an exact copy of formal comments electronically via the Internet at: <<http://www.fcc.gov/e-file/ecfs.html>>. Only one copy of an electronic submission must be submitted. A party must note whether an electronic submission

⁵ Fourth Order on Reconsideration, FCC 97-420, at para. 206.

⁶ Oregon Department of Education, Petition for Waiver (filed January 27, 1998) (Oregon Petition).

⁷ Oregon Petition at 2.

⁸ Oregon Petition at 4.

⁹ See, e.g., 47 C.F.R. §§ 1.49, 1.415, 1.419.

is an exact copy of formal comments on the subject line and should note in its paper submission that an electronic copy of its comments is being submitted via the Internet. A commenter also must include its full name and Postal Service mailing address in its submission. Parties not submitting an exact copy of their formal comments via the Internet are also asked to submit their comments on diskette. Parties submitting diskettes should submit them to Sheryl Todd, Universal Service Branch, 2100 M Street, N.W., Room 8606, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. Each diskette should contain only one party's pleadings, preferably in a single electronic file. Electronic submissions are in addition to and not a substitute for the formal filing requirements addressed above.

Ex parte contact. Filing of this petition initiates a permit-but-disclose proceeding under the Commission's rules.¹⁰

For further information on this Public Notice, contact Irene Flannery or Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau at (202) 418-7400.

-- Action by Chief, Accounting and Audits Division --

¹⁰ See 47 C.F.R. § 1.1206.